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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/679,023	10/03/2003	Edmund J. Balboni	Analog.7150	1507
55740	7590	10/18/2005		
GAUTHIER & CONNORS, LLP 225 FRANKLIN STREET BOSTON, MA 02110			EXAMINER CHANG, JOSEPH	
			ART UNIT 2817	PAPER NUMBER

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/679,023	Applicant(s) BALBONI ET AL. 	
	Examiner Joseph Chang	Art Unit 2817	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 12 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14, 27 and 28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 27 and 28 is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-8 and 12-14 is/are rejected.
- 7) ☒ Claim(s) 4 and 9-11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

As stated in the previous Office Action, claim 9 is objected to because the recitation "to receive either from a calibration signal" has no alternative element. Appropriate correction is required.

Claim Rejections

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-3, and 5, are rejected under 35 U.S.C. 102(b) as being anticipated by Griffith et al. for reasons of record.

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Griffith et al. in view of Eriksson for reasons of record.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Griffith et al. in view of Kirkpatrick for reasons of record.

Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Griffith et al. in view of Lo et al. for reasons of record.

Response to Arguments

Applicant's arguments filed 8/12/05 have been fully considered but they are not persuasive.

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Regarding applicant comments directed to the rejection of claims 1-3, 5, 27 and 28 under 35 U.S.C. 102(b) as being anticipated by Griffith et al., Applicant argues “Griffith et al. teaches a magnitude of the amplified feedback signal may be measured. In contrast, the presently claimed invention recites that the charge pump’s level is adjusted based upon the measured gain of the vco”. This argument is not persuasive because “measured” is the result of “a magnitude of the amplified feedback signal may be measured” and this apparatus claim is the end product not a method or a process. And also, Applicant argues, “Griffith et al. fails to teach or anticipate the measuring of the voltage controlled oscillator’s gain, which is a differential measurement”. This argument is not persuasive because the currently amended recitation “difference measurement” is inherent property of voltage measurement because voltage measurement is always at the difference of two points. The argument directed to the method claim 27 is persuasive and therefore, the rejections on claims 27 and its dependent claim 28 are withdrawn.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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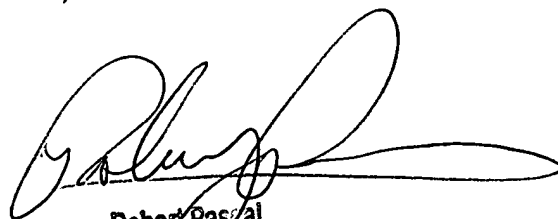
shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Chang whose telephone number is 571 272-1759. The examiner can normally be reached on Mon-Fri 0700-1730.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pascal can be reached on (571) 272-1769. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JC



Robert Pascal
Supervisory Patent Examiner
Technology Center 2800